

65 ~~40.~~ (New) The cleaning pad of Claim ~~39~~<sup>64</sup> wherein the cleaning pad further comprises an attachment layer for mechanically attaching the cleaning pad to a handle of a cleaning implement, and wherein the absorbent layer is positioned between the scrubbing layer and the attachment layer.

133 66 ~~41.~~ (New) The cleaning pad of Claim ~~36~~<sup>61</sup> wherein the superabsorbent material is selected from the group consisting of superabsorbent gelling polymers and hydrophilic polymeric absorbent foams.

67 ~~42.~~ (New) The cleaning pad of Claim ~~38~~<sup>61</sup> wherein the lower surface of the cleaning pad comprises two or more discrete surfaces each of which contact the surface being cleaned.

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#### REMARKS

New Claims 36-42 have been added based on original Claims 24, 28, 47, 48, 50, 53, 55, and 56.

Claims 21-23, 25-27, 29 and 32-42 are now in the application.

Claim 21 has been amended based on original Claim 24.

Claims 25 and 26 have been amended to properly reflect their dependency on Claim 21.

Claim 27 has been amended based on original Claim 28.

#### Notice of Informal Examiner's Amendment

Applicants wish to thank the Examiner for correcting this typographical error in the specification.

#### Rejection under 35 U.S.C. § 112

Claims 25 and 26 have been rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for fail to distinctly claim the invention. Claims 25 and 26 both depend from canceled Claim 24. Applicants have now amended Claims 25 and 26 to properly reflect their dependency on Claim 21.

### Obviousness-Type Double Patenting Rejection

Claims 21-23, 25-27, 29 and 32-35 have been rejected under the doctrine of obviousness-type double patenting over Claims 1-3, 5-20, 31, 38-45, 47, 48 and 50-63 of copending Application Serial No. 09/037,379. Applicants note that this application has now issued as U.S. Patent No. 6,101,661 on August 15, 2000. Applicants are submitting a Terminal Disclaimer attached hereto to obviate this rejection.

### Rejections under 35 U.S.C. § 102

Claims 27 and 32-35 have been rejected under 35 U.S.C. § 102(b) as being anticipated by Statler, U.S. Patent No. 2,842,791. Applicants respectfully traverse this rejection. Claim 27 has now been amended to incorporate the limitation from original Claim 28. Applicants believe this rejection has now been obviated.

Claims 21, 22, 27 and 32-35 have been rejected under 35 U.S.C. § 102(a) as being anticipated by Nichols, U.S. Patent No. 5,609,255. Applicants respectfully traverse this rejection. Claim 21 has been amended to incorporate the limitation from original Claim 24 and Claim 27 has been amended to incorporate the limitation from original Claim 28. Applicants believe this rejection has now been obviated.

Claims 27 and 32-34 have been rejected under 35 U.S.C. § 102(b) as being anticipated by Casademunt Ferre et al., U.S. Patent No. 5,115,535. Applicants respectfully traverse this rejection. Claim 27 has now been amended to incorporate the limitation from original Claim 28. Applicants believe this rejection has now been obviated.

Claims 27, 29 and 33 have been rejected under 35 U.S.C. § 102(a) as being anticipated by Brown, U.S. Patent No. 5,533,226. Applicants respectfully traverse this rejection. Claim 27 has been amended to incorporate the limitation from original Claim 28. Furthermore, the removable cleaning pad in Claim 27 requires a scrubbing layer and an absorbent layer. Brown discloses a mop head that is made from a rectangular piece of open cell sponge, a cylindrical core and a wringer assembly. As such, Brown does not teach or suggest a cleaning pad that has both a scrubbing layer and an absorbent layer as presently required by Claim 27. Thus, Claim 27, 29 and 33 are not anticipated by and are patentable over Brown under 35 U.S.C. § 102(a).

### Rejections under 35 U.S.C. § 103

Claims 23, 25 and 26 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Nichols in view of Newell, U.S. Patent No. 4,995,133. Applicants

respectfully traverse this rejection. Nichols teaches a mop with a removable, washable, and reusable mop pad comprising a base member, a filler material (such as fiberfill batting), a fabric covering, and a netting. Newell teaches a string mop head (as opposed to a mop pad) with a plurality of web (or string) elements having involutions that can be employed in dry and/or wet mopping applications. Newell teaches that its mop head typically is capable of releasing 80% to 90% of previously absorbed liquid. *See* col. 5, lines 16-25; Claim 25. Newell also discloses that “in a single-use mop application, the web elements may be impregnated or otherwise have associated therewith a super-absorbent material.” Col. 12, lines 3-6. Newell only teaches superabsorbent material in the context of a disposable, single-use string mop head, whereas Nichols only teaches a washable and reusable mop pad.

The Office Action asserts that “[i]t would have been obvious to one of ordinary skill to have modified the absorbent layer of Nichols as such so, if so desired, to produce a single-use mop application.” OFFICE ACTION (Paper No. 4) at 5. Applicants respectfully disagree. There is no motivation to one of ordinary skill to modify the washable and reuseable mop of Nichols in order to turn it into a single-use mop that comprises superabsorbent material. This modification of the mop disclosed by Nichols would completely defeat one of the primary objectives of Nichols’ invention, namely that the mop pad of Nichols is designed to be washable and reusable. Since superabsorbent material is highly effective at absorbing and retaining fluid, and thus might be suitable for a single-use mop pad, adding superabsorbent material to Nichols’ mop pad would render the pad unwashable and not reusable, because once superabsorbent material becomes wetted with fluid, it is difficult to release the fluid from the superabsorbent material.

As the MPEP states: “If the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims *prima facie* obvious.” MPEP § 2143.01 (citing *In re Ratti*, 123 U.S.P.Q. 349 (C.C.P.A. 1959)); *see also* MPEP § 2143.01 (citing *In re Gordon*, 221 U.S.P.Q. 1125 (Fed. Cir. 1984)) (“If [the] proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification.”). Here, since combining the teachings of Nichols with the single-use mop teaching of Newell would change the principle of operation of Nichols mop pad and render it unsatisfactory for its intended purpose – i.e., the ability to wash and reuse the mop pad of